

Out of Court Resolutions Scrutiny Panel

Community Resolutions: Criminal Damage

March 2025

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The OoCR Scrutiny Panel carries out independent scrutiny of the use of Out of Court Resolutions to bring transparency to the use of Out of Court Resolutions, drive improvement and increase understanding and confidence in their use.

The meeting focused on:

- **Community Resolutions: Criminal Damage**

About the Panel

The Panel includes Magistrates and representatives of the Crown Prosecution Service, HMCTS, Youth Justice Teams, and victim services. The role of the Panel is to ensure that the use of Out of Court Resolutions (OoCR) is appropriate and proportionate, consistent with national and local policy, and considers the victims' wishes where appropriate.

The Panel is supported by the Office of the Police & Crime Commissioner (OPCC), Force Out of Court Disposals Tactical Lead and the ASCEND Team Manager.

Findings of the Panel, recommendations, and action taken in response are published at the following link:

[Out of Court Disposals Panel Reports | OPCC for Avon and Somerset \(avonandsomerset-pcc.gov.uk\)](https://www.opcc.gov.uk/out-of-court-disposals-panel-reports/)

Panel Business

- This was the Annual Meeting of the Panel.

- Revised Terms of Reference were agreed for the coming year. Key changes focus on strengthening scrutiny of child cases.
- The Work Programme was agreed:
 - March: Community Resolutions – Criminal Damage Cases
 - June: Youth Focus – Assault
 - September: Disproportionality Focus - Chance to Change Deferred Prosecution model – one year on
 - December: Domestic Abuse & Hate Crime Conditional Cautions
- Lynne Paraskeva (Magistrate) was re-elected as Chair. A Deputy Chair will be elected following induction of new members.
- Membership changes: Rachel Pearce (Magistrate) and Nicky James (HMCTS) have stepped down. Niki Westerling (Victim Services representative) will be leaving the Panel following 6 years due to changes in commissioned victim services. Niki has made an invaluable contribution in bringing the voice of the victim to the Panel. The Panel expressed their thanks to all three members leaving the Panel.
- Two new CPS representatives are joining the Panel, with specialisms in adult and youth cases respectively.
- Expressions of interest are being invited for new Magistrate representatives, one to replace Rachel Pearce and an additional Magistrate to provide resilience and for succession planning purposes. Magistrates with Youth Bench experience are specifically being sought, to help strengthen scrutiny of child / youth cases.

OoCR Overview & Performance

(Caroline Woodward-King, Force OoCR Tactical Lead)

National Updates

- Revised **Child Gravity Matrix** was published in February. Changes are technical updates rather than significant changes. The Child Gravity Matrix is a tool to enhance the decision making process for the police when working with children.
- A new **Child Information Form** was introduced in October 2024 and mandated from 1 February 2025 for children when either seeking a charging decision from the CPS or on a not guilty anticipated plea police charged case. It aims to collate and streamline the information provided by the police and other agencies to ensure the specific circumstances of each child are considered in decision making. Positive feedback has been received from the CPS on the quality of forms since this change.

Local Updates

- The My Out of Court Resolutions App for decision making in child cases is due to go live in early April. The Panel welcomed this as a positive step in strengthening

consistency and improving police decision making in child cases, where the options and outcomes are very different to those of adult cases. The App has been built to ensure that cases are referred to Youth Panel for decision where appropriate, and to improve recording of ethnicity. Both are issues identified by the Panel as areas for improvement.

Performance Overview: (Mark Holford, ASCEND Manager)

- The Panel reviewed live performance information via the Qlik App:
 - Offence groups remain very similar, with Violence Against the Person accounting for the majority of Out of Court Resolutions.
 - The Panel examined recorded ethnicity levels, with 'not recorded/not stated' remaining high across both adult and child cases. Issues around multiple records have been identified, with work underway to ensure that ethnicity data is pulled through to every record appropriately.

Theme: Community Resolutions – Criminal Damage Cases

Rationale

The theme for this meeting was Community Resolutions, with a focus on criminal damage cases. At the last meeting, the Panel scrutinised use of financial compensation in Conditional Caution cases. The purpose of this meeting was to look at the effectiveness of interventions in Community Resolution cases (where any conditions applied are voluntary and unenforceable).

Community resolutions are **in need of a greater level of scrutiny** generally given that they involve **greater discretion** for officers and less oversight (whereas Conditional Cautions are reviewed by the ASCEND team as a matter of course).

Definitions & Requirements

Community Resolutions are a nationally recognised way to resolve crime without going to court. It enables police to deal proportionately with lower-level crime and is aimed at first time offenders. National Guidance can be found [here](#)

‘Less serious’ is not nationally defined, but should be determined on a case by case basis taking into account factors such as the circumstances of the offence, impact on the victim, risk to the public, likely penalty on conviction, and relevant offending history.

Eligibility:

Previous offences in the last **12 months** may make a Community Resolution inappropriate. Supervisor authority is required. Community Resolutions are recorded on local police systems, but not on PNC. Systems were checked in advance of the Scrutiny Panel meeting and it was confirmed that no previous Community Resolutions had been issued within the time limit for cases to be scrutinised at the meeting.

Community Resolution **should not** be issued for:

- Indictable only offences
- Intimate partner Domestic Abuse
- Other offences as determined by Force policy.

Child Cases:

Decisions must be guided by the Child Gravity Matrix and the vulnerabilities of the child must be taken into account. Police can issue first-time community resolutions (except for knife offences or sexual assault offences).

In all other circumstances, the case must be referred to the Youth OOCR Panel for assessment and joint decision making.

WHAT IS A COMMUNITY RESOLUTION?

A Community Resolution is a **non-statutory (informal) outcome**, the lowest disposal available to policing. It is used for **less serious offences** where:

- A case is capable of proof.
- An offender has been identified.
- There is an **acceptance of responsibility**.

The decision to use a Community Resolution is generally made by the individual **police officer** without the need to refer to ASCEND (adult cases) or Youth Panel (child cases).

For cases involving children, young people and vulnerable adults, an appropriate adult must be present when the acceptance of responsibility is sought.

When undertaking a Community Resolution, the officer must make the victim aware of the **PCC Community Remedy list** and set interventions that are rehabilitative or reparative.

Victims should be consulted and their views recorded, and full cooperation sought whenever possible. However, the ultimate decision to dispose of the case as a Community Resolution is for the police.

Any interventions agreed are **voluntary** and not legally enforceable.

The Community Remedy list can be found here:

[Out of court disposals | Avon and Somerset Police](#)

Case Scrutiny

Summary of cases scrutinised

20 cases were scrutinised by the Panel made up of:

- 15 Community Resolutions – Criminal Damage cases:
 - 7 Adult cases – focus on effectiveness of interventions applied
 - 8 Child cases – focus on police decision making in first time Community Resolutions
- 5 Community Resolution for serious violence or sexual offences cases. The Panel scrutinises all cases recorded in the last quarter in this category at every meeting.

Criteria

The Panel discuss whether the method of disposal is considered appropriate, based on a review of the information/evidence available to the decision maker at the time, and agree a categorisation against four options:

GREEN: Appropriate and consistent with national and local policies including: the OoCD Code of Practice, NPCC Guidance, CPS Code, Force Policy, and the Gravity Matrix
YELLOW: Appropriate, but with observations from the panel
RED: Inappropriate and/or inconsistent with policy
The Panel Members fail to agree on the appropriateness of the decision made

The Panel *cannot* change the outcome of the case, but can make observations and give feedback on the case reviewed. Feedback is provided to individual officers and supervisors on cases considered inappropriate. Observations are used to identify training needs, inform development of policies and interventions and promote good practice.

Panel Decision

Disposal	Offence	Panel Decision
Community Resolution	Exposure	Appropriate with observations
Community Resolution	Threaten to share intimate photograph	Appropriate
Community Resolution	Sexual Assault x2	Appropriate with observations
Community Resolution	Exposure	Appropriate
Community Resolution	Exposure	Appropriate
Adult Cases – Community Resolution for Criminal Damage		
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage	Inappropriate*
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage	Inappropriate*
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage	Appropriate with observations
Child Cases – Community Resolution for Criminal Damage		
Community Resolution	Criminal Damage by Arson	Appropriate with observations
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage	Inappropriate*
Community Resolution	Criminal Damage	Further information requested**
Community Resolution	Criminal Damage	Appropriate with observations
Community Resolution	Criminal Damage	Appropriate
Community Resolution	Criminal Damage x6	Inappropriate*
Community Resolution	Criminal Damage x6	Appropriate with observations
SUMMARY: Appropriate (9); Appropriate with Observations (6); Inappropriate (4). * A summary of cases considered inappropriate can be found below. **Further information was requested in one case to enable the Panel to reach a decision. This will be considered at the next meeting.		

Summary of cases considered inappropriate by the Panel

Detailed feedback on learning points was provided to the police decision maker and their supervisor in the following cases. Feedback was also provided to the relevant Youth Justice Service in child cases.

Adult Cases:

Case 1:

The Panel considered a Community Resolution too lenient in a case involving deliberate damage to a car with a mallet. The Community Resolution included a condition to pay compensation. No receipt or invoice was attached, and payment had not been made. This highlights the limitations in being unable to enforce voluntary conditions made with Community Resolutions. The Panel queried whether there was also a public order offence and highlighted the impact on the female witnessing the incident. It was felt that referral to an Anger Management course may have been beneficial.

Case 2:

The Panel considered the outcome inappropriate as the Community Resolution was never issued. The case had been 'filed – not in the public interest'. It was acknowledged that the offenders had offered to make payment for damage caused, and that had the correct process been followed in recording the crime, the outcome would have been appropriate.

Police Response: *This case should have been recorded as: Outcome 16 Suspect known – victim does not support or not engage.*

Child Cases:

Case 3:

The Panel considered a Community Resolution inappropriate in a case involving reckless throwing of a stone at a window at school because it was felt that the incident should have been dealt with through the school disciplinary system. The form stated that the school had highlighted previous incidents and whilst they did not to criminalise the child, they did want to show the consequences. Whilst it was acknowledged that the incident had been captured on CCTV and involved high value damage, the Panel highlighted that the child was vulnerable and had additional needs.

Concern was expressed at the use of the victim (school) as Appropriate Adult, a role which should be impartial, and questioned why the parent was not involved. It was noted that language in the form changed from 'reckless' to 'thrown' – it was questioned whether a crime had been committed or whether damage resulted from reckless behaviour, and whether this was a police matter at all.

YJS Response: *Confirmed that the school should not have been used as Appropriate Adult given that they were also the victim. Parents / carers should be considered first and if no other family member available, a YJS Appropriate Adult volunteer should have been used. Language around 'reckless' and 'thrown' is inconsistent and needs to be clarified more. An assessment is needed on whether the child with SEND needs understood the consequences of their behaviour.*

Case 4:

The Panel considered a Community Resolution inappropriate in an incident in which multiple cars had been damaged by two young people. The Panel highlighted differences between the outcome in this case and in the linked case, in which the young person was already under YISP interventions, which would be over and above those provided through the Choices and Consequences programme, and their parent agreed to pay compensation for damage caused in instalments. In contrast, in this case, there was a lack of engagement in the Community Resolution with the parent stating they were unable to pay compensation and refusing to support the child in writing a letter of apology. The parent stated that the child (11 at the time of the offence) was unable to read or write. It was not clear whether the referral to the Choices and Consequences programme had been made. The Panel felt that this should have gone to Youth Panel for safeguarding and support considerations.

YJS Feedback: *YJS and Police EIT Sergeant have reviewed the case and feel it should have come to Youth Panel for decision. There are concerns about vulnerability of both children and both are known locally for ASB. One child was open in the YJS service at the time when the Community Resolutions were given, but YJS was not made aware. Learning will be taken forward.*

Further Information Required:

The Panel requested sight of the Youth Panel Decision Log and 10 Point Plan (if made) in a case involving low-level criminal damage in a care environment. The child was of dual heritage and had experienced trauma including a recent bereavement. The Panel questioned why the child was taken into police custody (contrary to guidance). A 143 Form was completed as appropriate, referring the child to Youth Panel for assessment. The case was then diverted back to the police for a Community Resolution and referral to the Choices and Consequences programme. There was no evidence on Niche of the Youth Panel Decision Log or consideration of the 10 Point Plan. The Panel requested sight of these documents to make an informed decision on whether the outcome had been appropriate.

YJS Feedback: *The decision was based on information from Form 143 and on police logs stating that a 10 Point Plan had been completed by the police and that the victim did not wish to pursue the case. The police rationale for taking the child to custody was due to escalating aggression having been reported missing. Engagement in the Choices and Consequences session had been positive. However, a Youth Panel assessment should have been completed in this case to inform the decision. This process has now been addressed in changes implemented in December 2024.*

Organisational Learning

Good Practice:

- **Rationale / Decision Making:** file recorded a strong rationale supported by effective supervisor challenge, balancing the views of the victim with ensuring a proportionate outcome.
- **Victim Focus:** Extensive effort to identify suspect at festival - gave victim assurance of being taken seriously.
- **Letters of apology:** Strong letters of apology were identified in 2 cases.
- **Compensation:** Evidence of effective use of compensation and payment being successfully made in 2 cases. However, it was noted that compensation cannot be enforced as Community Resolution conditions are voluntary, and not enforceable. Assessment of affordability and evidence to support compensation levels and payment must be recorded on file.

Learning identified in relation to the theme:

- **Letter of apology** – quality of letters of apology is not consistent. Letters are not always on file. In one case, the letter was sent directly to the victim which should not happen.
- **Timeliness:** cases were not always finalised in a timely way. There is an expectation that OoCR cases should be finalised within 2 months – this recommendation came from a Youth Justice inspection. One case, despite being witnessed by police, took 5 months to resolve.
- **Interventions:** Some examples of missed opportunities for interventions, for example:
 - Alcohol awareness for an offender who was intoxicated,
 - Fire Setting intervention delivered by the Fire Service for a young person (instead of referral to the Choices and Consequences programme)
 - Work with YJS and/or ASB Action Plan in addition to restrictive condition 'not to cause damage' to prevent future behaviour.

- **Victim focus:** discussed the balance between seeking the view of the victim and deciding on an appropriate outcome. Victims must be consulted, but ultimately the decision rests with the police. Panel members highlighted incidents between work colleagues in the workplace as an example of where careful consideration needs to be given to victim focus and the potential for restorative justice. Age difference was also highlighted as an issue for consideration in victim focus.
- **Safeguarding:** appropriate consideration had been given in the majority of cases, however the Panel questioned whether safeguarding considerations had been made in one case for children present, and in another involving an unaccompanied asylum seeker in care.
- **Crime Recording:** Queried whether crime should have been recorded as criminal damage or arson – this has an impact on the Gravity Matrix starting point.

Continuous Improvement Monitoring

The Panel has introduced a tool to monitor key metrics to support continuous improvement in the use of Out of Court Resolutions and enable analysis over time.

Metrics	#	%	Commentary
Use of My OoCR App	1/20	5%	Too early to expect to see widespread use of the App. The App was made mandatory for adult cases on 1 December and is due for launch in Spring 2025 for child cases.
Eligibility	20/20	100%	All cases were eligible for Community Resolution. Community Resolutions do not appear on the PNC record reviewed by Panel members. Police systems were checked, and it was confirmed that no Community Resolutions had been issued in the last 12 months for the people involved in cases being scrutinised.
Non- Recording of Ethnicity	14/20	70%	Ethnicity is being included as a mandatory field on the Child My OoCR App currently under development. The Panel has requested that a mandatory field is retrospectively added to the adult My OoCR App.
Timeliness issues identified	7/20	35%	Reasons include: difficulty in making contact with offenders living out of Force, officer abstraction to attend University, issues in engagement with Community Resolution process in two child cases
Appropriate referral: Adult cases (where appropriate)	5/5	100%	Appropriate referral to ASCEND had taken place in all 5 Community Resolution Sexual Offences cases. Referral to ASCEND is not required for use of Community Resolution in criminal damage cases.
Appropriate referral: Child cases (where appropriate)	N/A	N/A	Completion of Form 143 (for referral to Youth Panel) is not required for 1 st time Community Resolutions unless the need for assessment is identified. 1 of the 7 child cases scrutinised was referred to Youth Panel.
Victim focus	10 6 4		Issues with letters of apology (see below); balancing proportionate outcome with victim wishes; missed opportunity for restorative justice; managing expectations in payment of compensation when Community Resolution is not enforceable.
Letter of apology (where applicable)	3 2 3		Letter sent directly to victim in one case – this should not happen. Copies of letter missing from file in other cases.
Intervention applied	13/20	65%	Interventions are voluntary in Community Resolution cases.

Intervention suitability	7 4 4		Missed opportunities were identified for referral to courses for anger management and alcohol misuse alongside compensation.
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What happens next?

Feedback is provided to individual officers and their supervisors to inform future decision making. Organisational learning is considered by the OoCR Tactical Group and actioned as appropriate, with updates reported back to the Panel.

Theme of the next meeting:

Youth Focus: Assault Cases – comparing Outcome 22 with Youth Caution / Conditional Caution